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STATUTE OF LIMITATION—*Federal construction of State statute.* The construction of the statute of limitations of a State by its highest court will be adopted and followed by the courts of the United States. And this rule of construction is applicable to statutes creating a liability and prescribing a period of limitation thereto as well as to the general statute of limitations of the State.

CORPORATIONS—*Statutory liability of stockholders—Statute of limitations.* In a suit in a Maryland court by creditors of an insolvent State bank of Georgia against a citizen of Maryland, formerly a stockholder in said bank, to enforce the statutory liability of a stockholder under the laws of Georgia, it is held in the case at bar that the statute of limitations of Maryland is not applicable, but that the special period of limitation prescribed by the laws of Georgia for certain statutory liabilities governs the case, it being part of the right, and not of the remedy.

KUNKLE v. BROWN.—Decided at Richmond, February 6, 1900.—
Simonton, Circuit Judge.

FEDERAL JURISDICTION—*Amount in controversy.* In order to determine the question of jurisdiction of Federal courts where it depends upon the amount in controversy, the record must be looked to, and, except in some actions *ex contractu*, in which the amount recoverable is liquidated by the terms of the agreement, and in cases where the claim to the requisite amount is made in bad faith and for the purpose of giving the Federal court jurisdiction, the nature of the case as stated in the pleadings must determine whether the amount in dispute is sufficient to confer jurisdiction. It is not the amount that the plaintiff is able to prove he is entitled to that determines the question of jurisdiction; the amount in dispute is the amount demanded by the plaintiff in good faith. It is the amount demanded, not the amount found due, that constitutes the matter in dispute. Nor does the fact that a valid defence to the action is apparent on the face of the pleadings diminish the amount claimed and determine the amount in controversy. A fraudulent or false over-statement of his cause of action by the plaintiff, however, will not operate to confer jurisdiction on the Federal courts.

FEDERAL JURISDICTION—*Amount in controversy—Case at bar.* The plaintiff, who was a non-resident, and a judgment creditor of an insolvent corporation, brought suit in a Federal court against the defendant, alleging that defendant owned stock of the par value of \$2,200 in said corporation, and sought to enforce the statutory liability under the laws of Kansas making each stockholder of an insolvent corporation liable to its creditors in an amount equal to the par value of the stock owned by him. Defendant moved to dismiss plaintiff's action for want of jurisdiction, filing exhibits tending to show that plaintiff had means of knowing and did, in fact, know that defendant held only twenty shares of said stock. The lower court, to whom the case was submitted, a jury having been waived, found that plaintiff had acted in good faith in stating his claim, overruled the motion to dismiss and proceeded to give judgment against defendant for \$1,458.60 and costs. *Held:* That the facts found by the lower court, there being some evidence to support them, are conclusive, and the judgment of the lower court is affirmed.